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Security Council

Sixty-third year

Provisional

5938th meeting

Friday, 18 July 2008, 10.15 a.m.

New York

President:	Mr. Bui The Giang	(Viet Nam)
Members:	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Mr. La Yifan
	Costa Rica	Mr. Weisleder
	Croatia	Mr. Skračić
	France	Mr. De Rivière
	Indonesia	Mr. Kleib
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. De Vengoechea
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. DeLaurentis

Agenda

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/454)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

08-42878 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/454)

The President: I should like to inform the Council that I have received letters from the representatives of India, Japan and Nepal in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Acharya (Nepal) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ian Martin, Special Representative of the Secretary-General in Nepal and head of the United Nations Mission in Nepal.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/454).

At this meeting, the Security Council will hear a briefing by Mr. Ian Martin, Special Representative of the Secretary-General in Nepal and head of the United Nations Mission in Nepal, to whom I give the floor.

Mr. Martin: On 28 May, six days after I last briefed the Council, Nepal's newly elected Constituent Assembly held its first meeting. It voted to implement a federal democratic republic, and within the allotted period the former king left the palace, without incident, to remain peacefully in Nepal.

Tomorrow the Assembly is scheduled to elect Nepal's first president and to proceed to name a prime minister, who will form a new government. In his 12 May report (S/2008/313), the Secretary-General had said that he did not anticipate a further extension of the mandate of the United Nations Mission in Nepal (UNMIN), but that once the government was formed, I, as his Special Representative, together with the Resident Coordinator, would enter into discussions with it regarding whatever assistance it may request from the United Nations for the completion and consolidation of the peace process and for the long-term development of Nepal. Obviously, discussion with a new government has not been able to take place, but in the meantime the Council has before it a request based on a consensus among the main parties for an extension of the mandate of UNMIN. The clarification of that request sought by the Secretary-General has now been received through the Permanent Representative of Nepal.

Allow me to begin by summarizing the outcome and the unfinished business of the negotiations that have delayed the formation of a new government. The interim constitution provided for the decision regarding a republic to be made by the first meeting of the Assembly, but it was silent on arrangements for the functions of head of State during the drafting of a new constitution. It provided for a prime minister to be selected by political consensus or, failing that, by a two-thirds majority and, similarly, to be subject to removal by a two-thirds majority vote. The Communist Party of Nepal (Maoist) (CPN (M)), which had campaigned for its own leader to become executive president and whose members constitute over one-third of the Assembly, was persuaded in the post-election negotiations to agree to the amendment of the interim constitution to provide for a president and vice-president, with the prime minister remaining executive

head of government, and to allow for the prime minister to be elected or ousted by a simple majority.

Those were aspects of a broad-ranging agreement signed on 25 June by leaders of the Seven-Party Alliance, which constituted the basis for proceeding to the formation of a new government, and I will refer later to other aspects of the agreement. After the agreement was signed, however, the Assembly was unable to proceed immediately to adopt the required amendments to the interim constitution, as the newly elected Madhesi parties, which had not been party to the aforementioned negotiations but form the fourth-largest bloc in the Assembly, demanded that undertakings given to them in a February agreement with the interim government should also be entrenched in constitutional amendments. Their interpretation of the February agreement includes the acceptance of the highly controversial demand for the Tarai plains of southern Nepal to become an autonomous Madhesi province within the future federal State. For twelve days, they prevented the Assembly from carrying out business. Only last Sunday, 13 July, were the amendments to the interim constitution voted by the Assembly, with members of Madhesi parties boycotting but no longer obstructing the proceedings.

With the conclusion of the 25 June agreement, Prime Minister Girija Prasad Koirala of the Nepali Congress announced his resignation, although until that can be submitted to the new president, he has remained at the head of the caretaker cabinet, in which ministers from the other two main parties, the Communist Party of Nepal (Unified Marxist Leninist) (UML) and the CPN(M) have ceased to participate. The most contentious and unresolved issue has been the sharing of posts and power among the parties. The Maoists have been acknowledged by the other parties to have the right, as the largest party in the Assembly, to name the prime minister. But both the Nepali Congress and the UML have publicly laid claim to the presidency, with the Nepali Congress stating that it will otherwise not participate in a new coalition Government. The Maoists continue to appeal for all major parties to participate in a Maoist-led Government, but have not accepted the preferred presidential nominees of either the Nepali Congress or the UML, and have now nominated a Madhesi, who is not from any of the major parties. Efforts to achieve consensus appear to have broken down ahead of tomorrow's vote, with potentially serious consequences for the support base of a new government.

A significant attribute of the presidency is that the president will be commander-in-chief of the Nepal army, acting on the advice of the Council of Ministers. The responsibilities within government for the security sector and for decisions regarding the future of the Maoist army have been an important element in the negotiations and one of particular relevance for the continuing role requested of the United Nations. The constitutional amendments introduce the position of leader of the opposition, who will be a member of the constitutional council, which considers appointments to constitutional bodies. But the Nepali Congress, which has publicly contemplated remaining in opposition, insisted that the leader of the opposition should also be a member of the National Security Council. That was voted down by the Maoists and the UML.

It was, however, agreed and provided by the constitutional amendments that members of political parties not included in the Government should be represented in the special committee to be established under article 146 of the interim constitution to supervise, integrate and rehabilitate the combatants of the Maoist army. That special committee will thus be quite large, and the 25 June agreement envisages that it may require a technical committee of experts functioning under its auspices.

The inter-party negotiations displayed wide differences of view among the parties regarding the future of the combatants, which were not resolved, although the process by which the special committee would carry out its task was elaborated somewhat. It is to collect information regarding the circumstances of those combatants registered and verified by UNMIN. The verified combatants will be offered a choice between an economic package and other unspecified alternatives for rehabilitation. Those who choose integration will be deemed eligible for possible integration with security bodies "after fulfilling the standard requirements". In response to concern that if the Maoist leadership heads the new government, it should not also continue to control a political army, the Maoist army will be under the supervision, control and direction of the multi-party special committee until integration and rehabilitation is complete. From the outset of integration and rehabilitation, Maoist combatants will have no involvement with any political

organization, and those who have had dual political and military responsibilities will have to choose one or the other.

The 25 June agreement requires that the integration and rehabilitation of the Maoist combatants shall be carried out within six months, and in this context provided that a request would be made for UNMIN to continue monitoring the management of arms and armies for six more months. The Government thus wrote formally to the Secretary-General on 8 July requesting such ongoing monitoring and assistance in implementing that aspect of the 25 June agreement. The letter was received as the report of the Secretary-General (A/2008/454) was in the final stages of drafting, and the Secretary-General noted that it lacked the clarity required for him to recommend a continuing United Nations presence in the form of a special political mission and instructed me to seek further clarification. Shortly before leaving Kathmandu, I met with each of the leaders of the three largest parties: the Prime Minister, who is President of the Nepali Congress; the Chairman of the CPN(M), who it is expected would be prime minister of a Maoist-led government; and the General Secretary of the UML. Each of them confirmed that they wished UNMIN to continue as a special political mission headed by a Special Representative of the Secretary-General, in order to assist in taking the peace process forward to its logical conclusion. They noted the importance in the period ahead of not only continued monitoring of arms and armies, but also assistance in implementing the agreement on the management of arms and army personnel in accordance with the multi-party understanding of 25 June. That of course in no way detracts from the fact that the process remains and will remain a fully Nepalese-owned process.

Consistent with that and as already noted, the wishes of Nepal's Government and leading political parties have also been clarified to the Secretary-General by the Permanent Representative of Nepal. I am thus now authorized to convey to the Council the Secretary-General's recommendation that the mandate of UNMIN should be extended, as requested by Nepal, for a period of six months.

Shortly before leaving Nepal, I participated at ceremonies marking the closure of each of the five regional UNMIN offices — with some sadness, because I believe that their presence and the frequent visits of their personnel to the districts have had a significant mitigating effect on local conflicts, which are yet to be addressed by effective local governance or peace committees. As the Secretary-General's report noted, the Electoral Assistance Office closed at the end of May and the Office of Civil Affairs is now terminating with the closure of regional offices and the end of the current mandate.

Our plans envisage that, if the Council extends UNMIN's mandate, the Special Representative will continue to be supported by the Political Affairs Section while the Arms Monitoring Office will continue at approximately half its previous establishment of 186 arms monitors. I am advised that this is viable, for a time, but I hope that early decisions by the special committee supervising the Maoists combatants can reduce, for example, the burden of around-the-clock monitoring of eight weapon storage areas.

Meanwhile, UNMIN has been working closely with the United Nations country team to ensure the transfer of functions and experience at the end of this mandate period or, as early as possible within the period of any extension.

I must be frank in expressing my concern about how rapidly the new government will be able to move forward in implementing the 25 June agreement, which depends greatly on the degree of multi-party cooperation that survives the current disagreements over the sharing of posts. The agreement requires that the special committee will be formed and start work within 15 days of the formation of the Council of Ministers. Past experience suggests that an agreement on the full Council of Ministers may itself take some time after the election of the prime minister. The agreement then envisages a period of six months for the special committee to reach and implement decisions regarding integration and rehabilitation and provide that "the country will not bear any responsibility for verified combatants who have not been reintegrated or rehabilitated after six months".

At the same time, it will be recalled that the Comprehensive Peace Agreement requires an action plan for the "democratization" of the Nepal army to include determining its appropriate size, training the army in the values of democracy and human rights, ensuring its democratic structure and building its national and inclusive character.

One contentious aspect of the recent negotiations with the Madhesi parties was the precise nature of the commitment to greater inclusion of Madhesis in the Nepal army, which, in the constitutional amendment, has taken the form of a guarantee of the entry of all historically marginalized groups to the army on the basis of equality and inclusiveness.

The debate about the responsibility of for the Nepal army under new constitutional arrangements has drawn attention to the fact that, following the abolition of the monarchy, which in the past had exercised de facto control of the army, Nepal lacks the machinery for the effective accountability of the army to an elected government.

Two recent mutinies of lower-ranks against officers of the Nepal police and the armed police force have also highlighted the potential volatility of the security sector in the new political and social climate. Ideally, decisions about the future of the Maoist combatants should be taken in the context of broader decisions about the security sector.

However, these issues will require attention far beyond the next six months, in which the future of the Maoist combatants is to be decided. In this context, the Council will want to review progress, in order to ensure that good use is being made of the limited further presence of UNMIN being requested.

The Secretary-General thus recommends a review after three months, which would focus on further downsizing and other steps towards the end of the mandate, in the context of the new government's progress in deciding the future of the Maoist combatants. The Council will no doubt expect this to include a report that the minors and others excluded by UNMIN's verification have belatedly been discharged, with appropriate support to their reintegration.

This is by no means the only challenge facing Nepal before it can be said to be enjoying conditions of sustainable peace essential for the economic and social progress its people expect and deserve. I said to the Council in May that the lack of progress in delivering on compensation for victims of the conflict, investigation of disappearances, and return of property and displaced persons to their homes remains a source of deep grievances. The 25 June agreement makes fresh promises in these respects, including the establishment of commissions long ago required by the Comprehensive Peace Agreement and other agreements.

The CPN(M) pledges in the agreement that the paramilitary functioning of its Young Communist League will be completely terminated and that it will fully comply with the laws of the land, while no mechanisms are to function in parallel to the government. The dangers of the vacuum of effective State authority at the local level have become increasingly evident during this period of protracted national-level negotiations. The constitutional amendments now provide that until local elections are able to be held, interim bodies will be formed at the district, municipality and village levels, with the participation and consensus of those political parties active at the local level.

Meanwhile, the disruption and boycott of the Constituent Assembly by the Madhesi parties and the strikes and demonstrations by those opposing their demands have shown how difficult may be the path to decisions regarding the form of federalism appropriate to Nepal.

Some Nepalis say that their peace process cannot be regarded as complete until a new constitution has been adopted and the first elections held accordingly; all are agreed that it is not complete while there are two armies in the country. It is to assist Nepal in reaching beyond that still dangerous condition that its main political actors all believe that a limited further presence of UNMIN is necessary and the Secretary-General supports their request.

Ms. Pierce (United Kingdom): I would like to begin by welcoming the Special Representative and also His Excellency the Ambassador of Nepal. It is very good to have him here and we welcome the constructive relationship that the Government of Nepal and the United Nations Mission in Nepal (UNMIN) have created between them.

My country very much welcomes the Secretary-General's latest report on UNMIN. We do welcome UNMIN's continuing positive role in Nepal's peace process, and that includes the preparations for the historic elections of 10 April. These, in turn, cleared the way for the first meeting of the Constituent Assembly on 28 May and the subsequent declaration of Nepal as a federal republic and we were able to hear from the Special Representative a little bit more about the political context, which was very helpful.

Nepal's elections created the most diverse and representative assembly in the country's history. The result is a huge credit to Nepal and also a huge opportunity — a real chance to strengthen Nepal's democratic institutions and address the issues that fuelled the conflict.

However, as the report makes clear and as we heard from the Special Representative, challenges, of course, remain. Despite elections and prolonged negotiations between the parties, it has not been possible to reach agreement on the formation of a new government. The announcement of the election for a new president on 19 July represents progress, but there does seem a continuing lack of trust and consensus between the parties.

Any further delay in forming the government risks undermining the people of Nepal's confidence in the democratic process and we hope, therefore, that we can all recognize the importance of encouraging the parties to work together, to respect the mandate given to them following the elections and to establish a government that can start to tackle the important challenges facing Nepal. We stand ready, for our part, to support that new government.

We agree with the Secretary-General that the future of former combatants continue to be an issue of special concern. A constant theme of the Secretary-General's report on UNMIN has been the need to take early action to resolve this issue, and it is disappointing that, so far, the parties have been unable to reach agreement on this important question.

We therefore believe that swift and full implementation of the 25 June agreement is a priority. This will require the reconstitution of the special committee provided for in the Comprehensive Peace Agreement. It will also mean that, in accordance with article 146 of the Interim Constitution, the inclusion of representatives of the Assembly's political parties. The United Kingdom agrees that UNMIN will be well-placed to support this work through the monitoring of arms and armed personnel and through the work of a special political mission and, more generally, the Special Representative.

My Government welcomes the proposed reconfiguration of UNMIN. This will significantly reduce staff levels, but it will also ensure the retention of the core capacity in monitoring analysis and political engagement to allow UNMIN to support Nepal's peace process at the Government of Nepal's request during the next six months. It is important that the Mission continues to be responsive to the requirements of both the governments of Nepal and this Council and is able to reduce its presence further, as soon as it is appropriate.

We welcome the letter and the subsequent clarification that the Permanent Representative of Nepal has been able to provide. We fully support the extension of UNMIN's mandate for a further six months and we hope negotiations on the draft resolution to achieve this can be concluded quickly, so that we can adopt it early next week.

We also agree with the Secretary-General that there should be no need for UNMIN to continue its arms monitoring function beyond the next phase of its mandate. It is in the interest of neither Nepal nor the United Nations for UNMIN to remain any longer than is necessary. It is also clear that the precise timetable for UNMIN's withdrawal will depend to some extent on the willingness of the political parties to create the conditions for that withdrawal. That means, in particular, through implementation of the 25 June Agreement. The Security Council must, in our view, make clear its expectations of the parties in that regard.

I should like to conclude by offering our thanks to Ian Martin and his team. We welcome his decision to remain to see UNMIN through the next and final phase of the process. UNMIN has played an important role in supporting the peace process, and we look to the Government of Nepal to make full use of the Mission's expertise over the next six months.

Mr. Grauls (Belgium) (*spoke in French*): I wish to begin by welcoming the presence of Mr. Ian Martin, Special Representative of the Secretary-General in Nepal, and of the Permanent Representative of Nepal. I should also like to thank the Special Representative for his comprehensive overview of the current situation in Nepal and of the assistance that the United Nations has given, is giving and can continue to give to the ongoing peace process.

Nepal has recently experienced many historic moments — a series of what I would call "firsts". In April, the Nepalese elected a Constituent Assembly for the first time. On 28 May, the Assembly met for the first time and decided to change the form of the State by making Nepal a federal republic. Tomorrow, Nepal will appoint its first president.

The Nepalese can be proud of the peace that they have built. In no peace process has the word "ownership" been so meaningful because, while Nepal has certainly benefited from the support of the United Nations and the international community, it has also been the driving force behind its own peace process.

In particular, Belgium wishes to congratulate Nepal on the proportion of women elected to the Constituent Assembly, who represent more than a third of those elected. That performance puts Nepal in fourteenth place on a list of 135 countries. Since the Constituent Assembly is mandated to chart the country's future, it is essential that women, who represent more than 50 per cent of the population, be equally involved.

While stressing progress, we should not close our eyes to the challenges ahead, to which we believe it is our duty to draw the attention of the Nepalese authorities. The Secretary-General highlights the fact that the human rights situation remains very worrisome. We share that concern. A lasting peace cannot be based on extrajudicial executions or on impunity for past acts of violence. In particular, we encourage the new Government to provide for transitional justice mechanisms.

The issue of weapons and armies must not remain the "poor relation" of the peace process. We congratulate the parties on the 25 June Agreement and, in particular, on the provisions related to the strategy for discharge from the cantonments. It is essential that those provisions be implemented as soon as a Government has been formed. Here, we should also like to stress the urgent case of minors who have not yet been demobilized.

The issue that particularly concerns us today is that of UNMIN's future. At the request of the parties, the United Nations assisted the peace process during its crucial phase. Now we must see how the Organization can best continue that assistance, in response to the request of the Government of Nepal.

We sincerely encourage the parties to implement the 25 June Agreement — particularly those provisions relating to the cantonments — swiftly and in good faith. It is in that spirit that we can support a six-month renewal of UNMIN's mandate.

Mr. Weisleder (Costa Rica) (*spoke in Spanish*): I should like to offer our greetings to the Permanent Representative of Nepal, whose presence in the Security Council is welcomed by Costa Rica.

We listened to Mr. Ian Martin, Special Representative of the Secretary-General in Nepal, who updated us on the situation in Nepal and provided an analysis of what the Secretary-General and he consider to be that country's main achievements, challenges and problems in the light of the new situation following the elections for the Constituent and Legislative Assemblies, the declaration of its new status as a federal and democratic republic, and the announcement that, as we hope, a president will be elected tomorrow. We thank Mr. Martin for his presence and for his contributions to that process and this debate.

Given all that, and with regard to the case of Nepal, we should consider the challenges and problems of societies that have undergone such profound changes. On the one hand, it is commendable that the Nepalese have chosen to establish a democratic republic as their form of Government. On the other, it is imperative to bear in mind that such a Government does not take shape spontaneously or easily — quite the contrary. All too often, when peoples have been subjected to totalitarian forms of Government, they find that, once they have gained the freedom to establish institutions that respect the will of the majority, peaceful dissent, pluralism and basic human rights, divisions of class, culture, aspirations and experience forcefully emerge. In addition, new obstacles — sometimes unforeseen and unimagined — emerge in the building of a democracy.

In such circumstances, what is required is firm and illustrious leadership, endowed with vision and a sense of history, to help guide the people in a constructive manner and to prevent petty, egoistic interests or demagoguery removed from reality from prevailing. This is the time to learn to compromise, while fighting by legitimate means for the interests of those who are being represented. It is precisely the time for the force of arms to give fully way to reason.

Nepal has begun to build its democracy, and the United Nations must continue playing an important role in that process. That is why Costa Rica has supported the extension of the mandate of the United Nations Mission in Nepal (UNMIN) for an additional six-month period. During that period, we hope that the political parties and their leaders, assisted by civil society in its diverse forms, will begin to address in a

democratic manner the problems related to the needed strengthening of the police forces, both with regard to the crucial technical aspects of providing security for the population, and with regard to human rights and the rule of law. Incidents such as those in which certain police sectors were involved after the elections must not recur.

For Costa Rica, the involvement of children in armed conflicts is unacceptable. We know that, in Nepal as in other countries that have experienced serious and bloody conflict, it is a reality that cannot be hidden. Nevertheless, we call for the swift demobilization of those individuals and for their social reintegration, given their status as minors. To that end, they must be offered education, health care and opportunities so that they can realize their potential as human beings. Impunity too is unacceptable for Costa Rica. Therefore, we believe that Nepal should establish transitional justice mechanisms that will guarantee respect for the rights both of victims and of the accused. There will be no lasting peace without justice. It is unacceptable for those who carried out acts of extrajudicial justice, whichever group they belong to, not to be tried appropriately.

The issue of human rights is fundamental. It is part of the foundation upon which the United Nations is built. We know that the National Human Rights Commission of Nepal and the Office of the United Nations High Commissioner for Human Rights in that country have been working together. We hope to see that collaboration strengthened and yielding the anticipated results.

As we see it, the extension of UNMIN's mandate has one central aim: disarmament, including the management of the arms of personnel in cantonments and the integration of such personnel into the Nepal Army or other activities beneficial to them and to the country, thus completing the reconciliation and peacemaking process in accordance with the content of paragraph 64 of the Secretary-General's report.

That should be UNMIN's main undertaking during this phase, while other United Nations offices and entities, as well as the Nepalese Government and civil society, should focus on other aspects and tasks that are indispensable to peaceful, democratic reconstruction. Activities related to arms, peacemaking and reconciliation constitute the main added value that UNMIN can provide during this delicate period.

Costa Rica understands that peace, human rights and socio-economic development are the three pillars of the raison d'être of the United Nations. That is no coincidence. It is the logical conclusion after observing the history of humankind. Nepal has now broached a new phase of peace and the further strengthening and protection of human rights, at a time when the global economy is in not in the best of situations. The rapid surge in the prices of oil and basic foodstuffs has had an impact on broad sectors of the population, in particular in least developed countries. That further complicates the tasks that lie ahead of the people and leadership of Nepal. In turn, it requires great wisdom and solidarity, and we trust that they will exhibit both of those.

Finally, we would like to indicate that Costa Rica has stressed the need to establish a clear date or benchmark for the conclusion of the Mission. That emphasis has several purposes, including, first, to remind ourselves, the United Nations, that missions cannot be extended indefinitely. Secondly, the Nepalese, who have retained control and ownership of the process, should exercise this fully as of a particular moment. At the same time, they should have all the time they need to prepare for that; the same applies to the troop-contributing countries and all those participating in the Mission.

Furthermore, in this specific case, this will also send a signal to the Nepalese leaders that time is marching on and that they must therefore redouble their efforts to reach agreement and undertake action. Especially with regard to the demobilization or transfer of combatants, leaders cannot shirk that difficult and delicate task, even though it entails costs of several kinds. It would thus be better to proceed while UNMIN is present on the ground in order to draw on all the assistance that the Mission can provide — albeit within a defined time limit. It is not about trying to rush matters or attempting to do things before it is possible. Rather, it is about expediting action and acting accordingly.

The people of Nepal are putting an end to years of armed confrontation and are on a new path towards prosperity. Costa Rica wishes them well in that endeavour and reiterates its staunch support, in areas where we can be of assistance, so that the success gained to date can be further built upon.

Mr. La Yifan (China) (*spoke in Chinese*): At the outset, I would like to thank Mr. Ian Martin, the Special Representative of the Secretary-General, for his briefing. I thank him and the United Nations Mission in Nepal (UNMIN) for their hard work over the past year and a half.

As a neighbouring country of Nepal, China takes great pleasure in seeing the continuous positive progress in the peace process in Nepal. On 10 April, Nepal successfully conducted the election of its Constituent Assembly. On 28 May, the Constituent Assembly held its first meeting and declared the establishment of a federal democratic republic and the posts of President and Vice-President, and decided that it would draft a new constitution within two years. At present, various parties are engaged in positive and active consultation on the formation of the new government. Tomorrow, moreover, Nepal will hold its presidential election.

China has a positive view of those important developments and appreciates the tireless efforts of the parties and the people of Nepal. We expect and believe that the people and the Government of Nepal have the ability and the wisdom to continue to settle outstanding issues in the peace process through dialogue and consultation and to achieve long-term peace, stability and development in accordance with the established plan.

China appreciates the strong support provided by UNMIN in the election of the Constituent Assembly of Nepal. At present, Nepal is at a critical transitional period. Recently, Nepal made a request to the Secretary-General in the hope that UNMIN would be reduced in size, that its mandate would be extended for six months and that it would continue to facilitate the monitoring of the management of arms and armed personnel.

China supports the extension of UNMIN's mandate at the request of Nepal, with the prerequisite of a clear mandate. We encourage UNMIN to continue the work of monitoring arms and armed personnel so as to create a good security environment for a smooth post-election transition in Nepal.

It is necessary to point out that in the end that the peace process in Nepal should be led by the Nepalese people and that issues related to peaceful reconstruction should likewise be settled by relying on the wisdom of the people themselves.

We believe that, with the support of the international community, a new Nepal will be able to return once again to the path of peace and development.

Mr. Kafando (Burkina Faso) (*spoke in French*): Let me begin by thanking Mr. Ian Martin for his valuable briefing on the situation in Nepal. I wish also to welcome the presence at today's meeting of the Permanent Representative of Nepal.

We note that, following the election of the Constituent Assembly of Nepal on 10 April, the peace process seems to be following its normal course. While we can observe some disruption, that is only to be expected, because Nepal is going through a period of political change. We have taken note of the first meeting of the Assembly, which took place on 28 May, which adopted important measures, including in particular the proclamation of a federal democratic republic in Nepal.

As part of the progress made, we welcome the 25 June signing by the political parties of the important Agreement to amend the Constitution and take the peace process forward. We believe that the commitment undertaken by the parties to the Agreement to establish five commissions to address national peace and rehabilitation, State restructuring, an investigation into disappeared persons, land reform and the establishment of a truth and reconciliation commission represents an important step forward. In the context of Nepal, it is above all crucial to have a participatory and inclusive process that includes all social and political actors. Obviously, that includes the Maoist faction.

There are many encouraging signs reflecting the determination of the political class to choose dialogue, which is the only alternative for a real settlement in Nepal. We hope that the determination to find common ground will soon lead to the establishment of a consensus Government — as provided for by the Interim Constitution — whose priorities will include tackling the country's numerous development and reconstruction challenges. That requires that stability be ensured. We must therefore remain very vigilant about the issue of security, as there have been some violations of human rights, a surge in crime and the emergence of new armed groups. Those are indications that, despite the progress made, the situation remains

fragile. In any case, steps must be taken to strengthen policing activities and transitional justice mechanisms.

Likewise, the lengthy period of political instability in large part explains the country's economic fragility, which is compounded by the economic crisis. Efforts to strengthen peace in Nepal must also include the adoption of an appropriate economic recovery programme based on poverty reduction. Moreover, the United Nations Development Assistance Framework for Nepal 2008-2010, which is now in effect, should be strengthened and supported by the international community. To that end, we welcome the steps taken to develop a peacebuilding support strategy. It is above all critical that we address the problem of unemployment, reintegrate young people and rehabilitate basic services.

Given the useful work it is doing in the service of the Nepalese people, we welcome the efforts and commitment of the United Nations Mission in Nepal. Although there are still challenges for the Mission to overcome — including monitoring the management of weapons and forces, administering the cantonments and demining activities — Nepalese officials have indicated that they would like the Mission's mandate extended. We support that request. We also favour continued discussions between the Secretary-General and Nepalese officials to determine a new configuration for the Mission.

Mr. DeLaurentis (United States of America): The United States thanks Special Representative of the Secretary-General Martin for his briefing. We are pleased to support the Government of Nepal's request for an extension of the United Nations Mission in Nepal (UNMIN) at a reduced level so that it can complete remaining elements of its mandate in carrying out the peace process. Today, I would like to make four points.

First, the United States strongly supports the United Nations Mission in Nepal, commends the work of Special Representative Martin and his staff and looks forward to working with him to complete the remaining portions of the UNMIN mandate, especially with regard to the management of arms and armed personnel.

Secondly, the United States urges all of Nepal's political parties to maintain their resolve to settle their differences through peaceful dialogue so that the future of the Nepalese people may be characterized by democracy and economic development.

Thirdly, the United States also strongly encourages the new Government to address, to the extent possible, the concerns of historically disadvantaged groups, including in the Terai, so that all parties and groups committed to a new democratic Nepal will share equally in the process of nation-building.

Finally, the United States has committed itself to providing nearly $10 million in assistance in support of Nepal's transition to democracy in areas such as security sector reform, conflict resolution, civil society, supporting legal institutions and political parties. We urge other donors to offer maximum support to ensure that Nepal makes a successful transition.

We look forward to the continued work of UNMIN and to the reports of the Secretary-General in that regard. We remain committed to helping ensure that UNMIN successfully carries out its full mandate.

Mr. Kumalo (South Africa): We, too, thank Mr. Ian Martin, Special Representative of the Secretary-General in Nepal and head of the United Nations Mission in that country, for his comprehensive briefing and for introducing the latest report (S/2008/454) on the request of Nepal for United Nations assistance in support of its peace process. We also welcome the Ambassador of Nepal to the meeting this morning.

Since the adoption of resolution 1740 (2007) and the subsequent establishment of the United Nations Mission in Nepal (UNMIN), the Nepalese people have made significant strides towards restoring peace and democracy in their country. South Africa commends those efforts. We welcome in particular the successful holding and conclusion of the elections to the Constituent Assembly on 10 April. The elections, which saw a large number of women elected, reflected the diversity of Nepal's population.

Now that the electoral process has been successfully completed, the next step is the formation of the Government and the relevant institutions of that country. We have no doubt that the Nepalese people will also be successful in that venture. We are confident that the relevant parties in Nepal will, in due course, complete that process. We hope that the international community will support the new

Government of Nepal in its efforts to address the challenges ahead.

My delegation is encouraged by the progress made in the peace process in Nepal since the formation of the Constituent Assembly. As noted in paragraph 4 of the report of the Secretary-General, the establishment of a republic in Nepal took place in a generally peaceful environment. Notwithstanding that progress, the report of the Secretary-General acknowledges that significant challenges remain in the country, including reaching an agreement on the basis for the formation of a new Government, the completion of the peace process and the country's long-term development. In that connection, we encourage all parties in Nepal to continue to work together in a spirit of cooperation and to pursue dialogue in order to address those challenges.

My delegation underlines the importance of national ownership and the responsibility of Nepalese stakeholders in addressing the challenges facing their country. In that regard, we call upon all parties in Nepal to uphold previous agreements and ensure that the country is restored to the path towards sustainable peace, stability and prosperity.

With regard to the role of UNMIN, my delegation applauds the entire staff of the Mission for their dedication and invaluable role in support of the Government and the people of Nepal. We commend in particular UNMIN's work on arms monitoring, mine action, electoral support, gender and social inclusion, and child protection.

Finally, with respect to the request of the Government of Nepal for the continuation of UNMIN, on a smaller scale, to engage in the remainder of its mandate tasks for a period of another six months, South Africa stands ready to support that request. We hope that this mandate extension will enable UNMIN to complete the remaining activities, in particular the ongoing work on monitoring the management of arms and army personnel. We also encourage the new Government of Nepal to utilize UNMIN's expertise as it carries out its own priorities aimed at benefiting all the Nepalese people.

Mr. De Rivière (France) (*spoke in French*): I thank the Special Representative of the Secretary-General, Mr. Ian Martin, for his briefing, and would like to express our appreciation for the work that he has accomplished since he was appointed.

The general development of the situation over the past several months has indeed been positive. We welcome in particular the very satisfactory conditions in which the elections were held. This was a success for the Nepalese people, and also a success for the United Nations, which played an essential role in re-establishing democracy.

Nevertheless, we must remain vigilant. The delay in forming a new Government — which we understand will take place soon — shows that the political process remains complex and fragile. Building peace and democracy in Nepal constitutes a long-term process which has only just started. The new Government will rapidly have to tackle numerous challenges.

In these circumstances, we are of the view that the Security Council should respond positively to the Nepalese authorities' request for an extension of the mandate of the United Nations Mission in Nepal (UNMIN) for a further six months. In this regard, my delegation would like to thank the United Kingdom for having prepared a draft resolution in this regard, which we support.

By continuing its work in monitoring the management of arms and armies over this period — a task on which the Mission should focus — UNMIN will give the new authorities time to find a lasting solution to pending problems linked to the implementation of the peace process. The meaning of UNMIN's continued presence, however, must be clear: it would be a temporary arrangement which cannot and must not replace the search for a lasting solution to the problem of the future of the former Maoist combatants — quite the contrary. The Nepalese parties have sought United Nations support for the peace process and, for their part, they must shoulder their responsibilities in order to advance this process. The Secretary-General's midterm report will be an opportunity for the Security Council to assess the progress that has been made.

In this regard, I would like to express our deep concern at the complete lack of progress made in the discharge of children from Maoist cantonments. Nothing can justify this absence of progress, and the Security Council must remain vigilant and firm in dealing with this particularly unacceptable situation which has gone on for far too long.

At the end of UNMIN's mandate, the international community will of course remain

committed to the Nepalese people. The future government will have to identify its needs in this area and, in particular, to assess the appropriateness of possibly maintaining more streamlined United Nations presence in support of the political process.

In any event, Nepal can count on the solidarity of the European Union, which is the largest donor of development assistance to this country. The European Union has been strongly engaged in support of the peace process and, in particular, has deployed a large election observation mission consisting of some 100 short- and long-term observers. The Union will continue to actively support democracy-building and economic and social development in Nepal.

Mr. Kleib (Indonesia): Let me begin by joining previous speakers in thanking Mr. Ian Martin, Special Representative of the Secretary-General in Nepal, for his briefing, and in thanking the Secretary-General for his report (S/2008/454).

After years of internal conflict, Nepal deserves peace, stability and prosperity. Momentum in realizing this hope is now evolving in Nepal. We congratulate the people and the Government of Nepal on the successful conclusion of the Constituent Assembly election and on the progress made towards a democratic, representative process and the creation of a federal democratic republic.

That accomplishment is indeed a historic triumph for the people of Nepal, and we are looking forward to the successful holding of the presidential election tomorrow. The role of the Nepalese Electoral Commission in the Constituent Assembly election is commendable. The Commission has served as an important catalyst in the promotion of electoral democracy in the country. My delegation also recognizes the 25 June 2008 signing by the Seven-Party Alliance of an agreement which provides for the time-bound solution of some key issues in the peace process.

Those achievements should serve as a stepping stone for further tangible progress on other critical goals as stipulated in the Comprehensive Peace Agreement (CPA). We therefore believe that all concerned parties in Nepal should remain committed to the peace process and exercise the utmost restraint with regard to actions that could undermine the peace process.

The conclusion of the Constituent Assembly election is only the beginning of the hard work of hammering out a democratic process and the formation of a representative government. In the post-election period, there remain critical matters that the future government of Nepal will have to tackle.

As the Secretary-General observed in his report, completion of the peace process remains a challenge. Management of arms and arms personnel still needs to be completed; this is one of the main pillars of the CPA. Former combatants have yet to be integrated and rehabilitated. That will require not only sufficient funding but also institutional and administrative measures. In this regard, my delegation attaches great importance to the formation of a special committee mandated to verify combatants and to integrate and rehabilitate them.

Robust democracy in Nepal will come about if support is truly popular and includes all segments of Nepalese society across political lines and ethnicity. In this regard, we welcome the representation of a variety of ethnic groups that had previously been under-represented in the Assembly.

With regard to the United Nations Mission in Nepal (UNMIN), my delegation commends the Mission, under the leadership of Mr. Martin, for the technical assistance and advisory services it provided to the Nepalese authorities before and during the election. With the successful conclusion of the election, my delegation welcomes the Secretary-General's recommendation for a phased, gradual drawdown and withdrawal of UNMIN staff. As to the future of UNMIN, we take note of the Government of Nepal's letter of 8 July 2008 which, inter alia, requests an extension of the remainder of UNMIN's mandate for an additional six months.

Indonesia believes that since UNMIN's deployment was requested by Nepal, its future should naturally be decided by the people and the Government of that country. For its part, the Council should stand ready to respond to the wishes of the Nepalese people unanimously and decisively, as it did when UNMIN was established in January 2007. Indonesia thus supports the request of the Government of Nepal and the recommendation of the Secretary-General, as just conveyed by Mr. Ian Martin, for the extension of the mandate of UNMIN for a period of six months. Continuing on a smaller scale, UNMIN could focus on

the ongoing work of monitoring the management of arms and armed personnel, and assisting Nepal in moving the peace process towards its conclusion.

Mr. Dolgov (Russian Federation) (*spoke in Russian*): We would like to thank Mr. Ian Martin, Special Representative of the Secretary-General in Nepal, for his detailed briefing about the latest developments in the situation in Nepal. In recent times, the political situation in that country has undergone some important, positive changes that we welcome. We are convinced that they will have an important positive impact on the course of the peace process.

The holding of free democratic elections was followed by a peaceful transition from a monarchic to a republican form of Government. The election of the president of the country is to be held on 19 July. We hope that that is going to be another important milestone in the development of the peace process.

We expect that the 25 June agreement between the political parties of the country will have meaningful importance for efforts to move forward the democratic process. The signing of that agreement was possible thanks to the willingness of the main political forces to engage in constructive joint work. We hope that a similar spirit of cooperation and compromise will be demonstrated by the Nepalese parties in their approach to resolving other matters in carrying out the tasks of the peace process.

After the elections to the Constituent Assembly, the main part of the United Nations Mission in Nepal (UNMIN) mandate was successfully completed. I would like to take this opportunity to thank the head of the Mission, Mr. Martin, and all of his colleagues, for their fruitful and highly professional work in carrying out their mandate. We support the request of Nepal to extend the Mission in Nepal for six further months in a downsized form, and we agree with the Mission's mandate to monitor the implementation of measures taken in respect of the arms and armed personnel of the parties and to assist the parties in implementing their agreement on the management of the arms of the parties.

The report of the Secretary-General reaffirms the fact that the presence of the Mission has great potential to give Nepal assistance in the area that they have delineated. We endorse the recommendation of the Secretary-General regarding the gradual, stage-by-stage downsizing of the strength of the Mission. On the whole, we take an optimistic view of the prospects for further progress in the peace process in Nepal, the main responsibility for which continues to be borne by the leaders and people of that country.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): First and foremost, I would like to echo those who have thanked Mr. Ian Martin, Special Representative of the Secretary-General, for the information presented in his briefing. We are grateful to him for his efforts and the efforts deployed by the United Nations Mission in Nepal (UNMIN).

We would also like to congratulate the Nepalese people on the first session of the Constituent Assembly, held on 20 May, and the decision to abolish the monarchy, in a peaceful manner, in favour of a democratic federal republic in Nepal. We believe that that constitutes a milestone in Nepal's history. We are pleased to see the Seven-Party Alliance, which came into being on 27 May and has helped eradicate a number of obstacles impeding the establishment of a new government. We hope that the parties will be able to reach agreement shortly on the distribution of the various portfolios and that the new government will be set up as soon as possible.

In spite of the partial successes achieved by the Nepalese people, further impetus should be given to the peace agreements reached between the Nepalese parties. We are concerned by the information contained in the Secretary-General's report concerning the deteriorating security situation in certain regions, in particular the upsurge in crime carried out by armed groups, abductions, blackmail, the emergence of new armed groups and renewed protest campaigns and demands by certain marginalized groups. All of that stands in the way of the political process. We therefore invite the new government, which we hope will assume its functions as soon as possible, to further strengthen State institutions on the basis of the rule of law.

We also hope to see the security situation improve, an end put to impunity and the rights of marginalized groups protected in accordance with the new constitution in order to bolster national reconciliation. Furthermore, we believe that the establishment of a single national army with a single commander-in-chief and the ongoing efforts for the demobilization and reintegration of ex-combatants are key factors for stability and peace for the State, as they

will contribute towards development and prosperity for the Nepalese people.

At this juncture, the provisions of the Comprehensive Peace Agreement must be fully respected, as must the provisions of other recent agreements, in particular with regard to the reintegration of combatants, their rehabilitation, the management of arms, the demobilization of minors and the response to the concerns of marginalized groups. That must all be done in close cooperation and coordination with the United Nations, in accordance with paragraph 9 of the Secretary-General's report.

We set great store by the work carried out by the Nepal Country Team and support its strategy, which is based on providing development aid to Nepal in order to build peace through the reform of the State, ensuring its recovery and preventing the emergence of conflict, thus assisting in the process of national reconciliation. That will largely hinge upon the resolve of the Nepalese people themselves.

Finally, we approve the recommendations issued by the Secretary-General to extend the mandate of UNMIN in accordance with the request made by the Nepalese Government, and underscore the importance of maintaining a United Nations presence in support of the political process and its actions to support the peace process.

Mr. Skračić (Croatia): Allow me to begin by thanking Mr. Ian Martin for his briefing and expressing my delegation's appreciation and congratulations for his successful leadership of the United Nations Mission in Nepal (UNMIN) during what has proved to be a pivotal and genuinely transformative period for Nepal.

In many ways, Nepal has emerged as a new society. The Nepalese people and their political representatives, who have demonstrated an admirable ability for cooperation and consensus, deserve our congratulations for the successful holding of elections in April and the subsequent forming of the Constituent Assembly, leading to the peaceful establishment of a republic.

However, the peace process, which began in 2006 with the signing of the Comprehensive Peace Agreement, is not over yet. The elections were a crucial stage in the peace process, a milestone rather than a destination and the peace process is still evolving.

In this context, we salute the 25 June agreement between the political parties to amend the constitution and move the peace process forward. It is now crucial that all parties in Nepal sustain their commitment to an inclusive and constructive political process during this transition period. The participation of traditionally marginalized groups and civil society is no less important.

It is my delegation's hope to see the swift formation of a new democratically-elected government that will focus without delay on the outstanding commitments arising out of the Comprehensive Peace Agreement and also on the immediate challenges that have a direct impact on the well-being of the Nepalese population, such as food shortages and the rise in fuel prices.

Through the UNMIN mandate, the United Nations has given an important contribution to this historic process of Nepal's return to peace, stability and democracy. The outcome represents a major success for Nepal, the United Nations and the Security Council. We agree that now is the time to adapt the United Nations presence to the new reality and to take note of the request of the interim Government of Nepal, contained in its letter of 8 July, for a six-month continuation of UNMIN, at a smaller scale, to engage itself in the remainder of the mandate.

While the management of arms and armed personnel remain the focus of UNMIN's mandate, we would like to reiterate the Secretary-General's emphasis on the need to achieve a transition to a durable and permanent solution. While the national ownership of this process is not in question, we concur with the Secretary-General's assessment that, at this point, monitoring of arms and armed personnel should continue to be provided within the framework of a special political mission that can continue to offer the necessary support for the completion of the peace process.

As we are focusing on UNMIN's exit strategy, we are mindful that the report has rightly identified remaining challenges of the post-election period that require sustained effort and attention. Notably, these would be the discharge of minors, the integration of Maoist combatants and the democratization of the army.

While we believe that it will be up to the new government to address these issues as a matter of

priority, my delegation believes that we should avoid the impression that UNMIN's gradual disengagement somehow implies that these aspects of the peace process are no longer relevant and can be disregarded.

In conclusion, we believe that the Nepalese people deserve our continued support in consolidating peace, democracy and development and that the United Nations country team is well-placed to play a central role.

Mr. De Vengoechea (Panama) (*spoke in Spanish*): First and foremost, we would like to thank you and the Special Representative of the Secretary-General and leader of the United Nations Mission in Nepal (UNMIN), Ian Martin for his report. The delegation of Panama is deeply grateful to Mr. Martin and to all the UNMIN staff for the laudable work that they have accomplished over the last 18 months of the Mission's mandate.

The holding of elections and the establishment of a Constituent Assembly are nothing less than historic acts for Nepal and we believe that UNMIN played an essential role in these events.

We note that the delegation of Nepal will be taking the floor in this debate after Council members have spoken. As we have said on earlier occasions, by way of principle, we believe that the States that are directly involved in the issues being addressed by the Security Council should always, when possible, be able to make their statements before Council members take the floor.

As is indicated in the Secretary-General's report, the majority of UNMIN's mandate has already been implemented. Those provisions of 1740 (2007) that remain to be fulfilled, particularly the monitoring of arms and armed personnel, in support of the peace agreement between the parties, should underpin UNMIN's new mandate, as was expressed by the Government of Nepal.

For that reason, in the resolution to be adopted by the Council, it is crucial that we maintain the character of this mission as a mission with specific, time-bound aims. The chief responsibility for successfully concluding the peace and democratization process will then fall to the Nepalese, with the United Nations playing a support role, which, although on a smaller scale, remains an important one.

The responsibility to be shouldered by the new elected leaders in Nepal is immense and the obstacles to be overcome are enormous. Reforming the security sector, for example, is a critical undertaking. The existence of two armies is inherently destabilizing and the past refusal of the parties to the conflict to discuss their future has exacerbated the situation.

As we did in our own country at the start of the 1990s, Panama encourages both the Maoist army and the Nepal army to also voluntarily disarm. Once this has been achieved, Panama would support the establishment of a civilian police force that would include, when viable, members of both groups.

Additionally, the establishment of a civilian police force should be part of a package of rehabilitation and compensation for those who leave the army once and for all. The integration of the Maoist combatants into a more democratic Nepalese army would only further increase the size of the military structure in a country with scarce resources and facing minimal external threats.

The protection of human rights would be well-served by the implementation of the rule of law, and the ending the culture of impunity in Nepal is also an issue that deserves the immediate attention of the new Government.

In view of all these challenges, we are concerned that the Nepalese parties, facing a new political landscape have been unable — or unwilling — to maintain the party unity to which they committed before the elections. This reticence appears to be part of a short-term partisan strategy of political jockeying for the post-electoral period, to the detriment of the peace process and the long-term future of the country.

Building lasting peace in Nepal will require all parties to accept the electoral results and the political landscape that emerges, and for the parties to work together in a spirit of cooperation and responsibility within a new majority-led government. Lack of cooperation will jeopardize the major national achievements that now lie within reach of the people, causing disillusionment among the Nepalese people and distrust of their leaders.

Mr. Mantovani (Italy): At the outset, I wish to warmly thank Mr. Martin for his clear and comprehensive briefing on the situation in Nepal. I would like to express our strongest appreciation for the

historical successes achieved in Nepal under his tenure as Special Representative of the Secretary-General, with the final goal being the peaceful establishment of a federal democratic republic.

The commitment to democracy of the Nepalese people and parties should obviously be praised first and foremost, but we should also pay tribute to the able guidance that Mr. Martin has ensured in his functions.

We have learned, with some concern, from the report of the Secretary-General that the post-election period in Nepal faces several difficulties, notably, an increase in criminality in armed groups and a lack of progress in the human rights situation. Probably the most worrying finding is lack of full trust among the parties to the peace process, which has, so far, prevented the creation of a new and inclusive government reflecting the outcome of the elections.

The 25 June agreement has to be welcomed, but the report notes that the agreement leaves some key issues unresolved. For instance, we share the concern of the Secretary-General for the lack of progress in the discharge of minors from the Maoist combatant contingents. In this regard, I would like to stress that the successful holding of the April elections, as historical as that was, should be followed by concrete and timely actions to address the underlying challenges that still affect the Nepalese people.

Regarding these challenges, viable solutions can only come from the Nepalese themselves. At the same time, we believe that the assistance of the international community will continue to be required for complex processes such as security sector reform, inclusion of women and traditionally marginalized groups in peacebuilding efforts, and accountability mechanisms for past crimes.

Against this background, we have taken note of the Nepalese request for a six-month extension of the current work of the United Nations in the monitoring of arms and armed personnel. In this regard, we support the idea of maintaining a United Nations presence to shore up the post-election process within the terms of the reasonable recommendations of the Secretary-General.

We appreciate the Nepalese support for the idea that the extension should be granted in the form of a special political mission, so that the United Nations can continue to work with the Nepalese authorities to reach a durable and permanent solution to the underlying issues. Therefore, we are ready to support the draft resolution prepared by the United Kingdom delegation, which we thank for its efforts.

We also appreciate the plans for substantive downsizing of the Mission. In that regard, I would like to emphasize that the phasing out of the civil affairs component should be matched by a corresponding reinforcement of the programmes implemented in the same areas by the United Nations country team and the Office of the High Commissioner for Human Rights. We welcome UNMIN's efforts to ensure a smooth transition of expertise and projects in that field.

The President: I shall now make a statement in my capacity as representative of Viet Nam.

I wish to join other Council members in thanking the Secretary-General for his report (S/2008/454) and Mr. Ian Martin for his briefing.

We would like to congratulate Nepal and its people on the recent positive political developments following the convening on 28 May of the Constituent Assembly, especially the active engagement of major Nepalese parties in political dialogues that resulted in the Agreement reached on 25 June 2008 to take the political process forward. In that connection, we call on all parties concerned to make full use of this momentum to advance the peace process in the country, most immediately the presidential elections to be held tomorrow.

Experience has shown that, besides threats to social security as a legacy of war, countries emerging from a prolonged civil conflict have to cope with developmental challenges, damaged infrastructure and weak institutional capacities. We share the common understanding that there remain challenges to peace and development in Nepal — for example, the building of new governance institutions, not to mention the recent rise in fuel prices, the food shortages and, hence, the increasing poverty in the country.

Given those challenges and the multifaceted need for Nepal to sustain its post-conflict endeavours, it is necessary to take an integrated approach, which requires not only political will and security measures, but also social and economic development programmes at all levels. The international community and donors also have a very important role to play, in response to the request of the Nepalese Government.

In that context, we welcome the efforts by the United Nations country team to put in effect the United Nations Development Assistance Framework for Nepal during the period 2008-2010, during the next phase of which priority will be given to the successful implementation of concrete development actions that can bring about changes in the daily lives of the Nepalese people.

We also would like to commend the United Nations Mission in Nepal (UNMIN), its leader, Mr. Ian Martin, and his staff for the work that it has done so far within its mandate, especially the electoral monitoring and technical assistance that it has provided to the Election Commission, thus contributing significantly to the success of Nepal's Constituent Assembly elections, held in April.

In accordance with our position that, since UNMIN was established at the request of the Nepalese Government, any decision on its mandate should be made with due consideration of Nepal's proposal, we therefore support the Secretary-General's recommendation, based on the letter dated 8 July 2008 from the Nepalese Mission, to extend UNMIN's mandate for six months as a special political Mission focused on monitoring arms and armed personnel, in order to complete the peace process in Nepal. We take this opportunity to thank the United Kingdom mission for preparing the draft resolution on UNMIN's mandate, and we look forward to its timely adoption.

Let me conclude by reaffirming Viet Nam's unswerving support for peace and development in Nepal. We are strongly convinced that, with their ownership and self-determination, the authorities and the people of Nepal will continue to accomplish further achievements in consolidating peace and promoting socio-economic growth throughout the country.

I now resume my functions as President of the Security Council.

I call on the representative of Nepal.

Mr. Acharya (Nepal): Once again, I would like to congratulate you, Sir, on Viet Nam's assumption of the presidency of the Security Council for the current month. I thank you for enabling me to participate in the discussion related to the Secretary-General's report (S/2008/454) on extension of the mandate of the United Nations Mission to Nepal (UNMIN) in accordance with Nepal's request.

I would like to thank the Secretary-General, his Special Representative, Mr. Ian Martin, the officials of UNMIN and the Department of Political Affairs for their continuous support for meeting Nepal's request to benefit the peace process in Nepal. As Special Representative Martin has already informed members, Nepal has completed several important milestones in its peace process, which is nearing its logical conclusion.

With the successful holding of the Constituent Assembly elections and the declaration of Nepal as a federal democratic republic, a new political transformation has begun with a view to achieving a lasting and durable peace in the country. We are likely to see the first president of the Republic of Nepal elected tomorrow. We will soon have a new government, which will most likely be led by the Communist Party of Nepal (Maoist), which has won the highest number of seats in the Constituent Assembly.

UNMIN has made important contributions to this process. When the Security Council created the Mission in January 2007 at our request, its mandate included monitoring the ceasefire, monitoring and assisting with the elections and monitoring the management of arms and armed personnel. Some of those tasks have already been accomplished. However, we have yet to conclude our arrangements on the management of arms and arms personnel, including the future of the combatants in the cantonments, which are being monitored by UNMIN.

Therefore, the Government decided to request, in a letter dated 8 July 2008 from the Permanent Mission of Nepal, the continuation of UNMIN's mandate for another six months beyond 23 July 2008, on a smaller scale so that it can carry out the remainder of its tasks, which relate mostly to the ongoing work of monitoring the management of arms and armed personnel, in line with the agreement among the political parties, and assisting the implementation of the agreement on this matter in accordance with their understanding.

In his report on this subject, the Secretary-General stated that he had sought clarification from the Government of Nepal regarding whether he should recommend an extension of the special political mission and also regarding the continuation of the Mission's political leadership. On behalf of the Government of Nepal, I have provided our clarification

to the Office of the Secretary-General and the Department of Political Affairs. I will read out the clarification that we gave to the Secretary-General regarding the extension of UNMIN's mandate in accordance with our request. There is a slight reordering of the sequence of the points, which I have shared informally with members.

"The Government's letter sent on 8 July represents the combined position of the major political parties, including the Communist Party of Nepal (Maoist), which is most likely to lead the next government. Even after the formation of the next government, there is virtually no possibility of amending the letter and its contents, which was agreed after intensive political discussion among the political parties.

"By way of clarification, the letter dated 8 July from the Permanent Mission of Nepal on the matter clearly states that the Government would like 'to request from the United Nations the continuation of UNMIN on a smaller scale', which means an extension of the special political mission as stipulated in Security Council resolution 1740 (2007). The mission will have to 'engage itself for the remainder of the mandate', which 'relates to the ongoing work of monitoring the management of arms and armed personnel in line with the agreement among the political parties and of assisting in implementing the agreement'. That is obvious, because the rest of the mandate laid out in resolution 1740 (2007) has already been accomplished.

"In view of the further evolution of the situation in the country towards the successive consolidation of the peace process, and the understanding among the political parties that this process should be taken forward to its logical conclusion, as stated in the aforementioned letter, the Government of Nepal would like to assume that the political leadership of the mission will be continued at the level of the Special Representative of the Secretary-General, retaining adequate political and administrative staff for the purpose, along with the arms monitors.

"The Government of Nepal agrees with the rest of the staffing and transition arrangements that the Secretary-General proposed in relation to the downsizing of the mission.

"A temporary extension for a month will not be helpful in any way in the transition to the formation of a new government or in the ongoing discussion on matters related to the management of arms and arms personnel among the major political actors.

"The above clarification has also been conveyed to the Special Representative of the Secretary-General in his meetings with the political leadership after the Secretary-General sought clarification on the matter. Therefore, the Government of Nepal is in favour of extending the mission as per its request in its letter of 8 July for next six months."

I am pleased to learn that the Secretary-General has now accepted our explanation and authorized his Special Representative to recommend to the Council an extension of UNMIN for another six months, as per our request. I am confident that the Council will lend its support to our request. Listening to the statements made here today, I am confident that our request will be taken into account, as per the recommendation of the Secretary-General.

I am grateful for the sentiments and words of support and encouragement that all speakers expressed in their statements. We have taken note of some of the most important and constructive comments and observations. I take this opportunity to thank you, Mr. President, and every member of the Council for your continued support and encouragement for the peace process and for your readiness to meet our request in all circumstances.

Since this will be my last opportunity to do so in this format, since I do not expect another extension, I would like to personally thank every ambassador and representative for their readiness to support Nepal even when they had so many other important matters to handle.

Last but not least, I would like to thank the delegation of the United Kingdom for undertaking the onerous effort of coordinating the draft resolution in this regard. I am confident that it will be adopted soon. I would also like to thank the Ambassadors of India and Japan for their readiness to express support in their statements.

The President: I give the floor to the representative of India.

Mr. Sen (India): At the outset, I thank you, Sir, for scheduling this discussion on the United Nations Mission in Nepal (UNMIN) and for enabling our delegation to express its views on this matter.

The extent and depth of the India-Nepal bilateral relationship cannot be overemphasized. It is based on ties of history, culture, language, ethnicity, kinship and geography. We enjoy the closest political ties, with close relationships between our political parties and equally close economic and commercial relations. India is also partnering Nepal's development in sectors ranging from energy to agriculture.

Since our two countries share an open border, with open access to each other's markets and privileged access for the citizens of the other country, no country has more to gain from peace, stability and development in Nepal than India. It is for that reason that we have remained closely involved, not only in Nepal, but also in India and at all multilateral forums, through a decade of difficulties as an armed conflict raged, and subsequently as Nepal's leaders and people brought the conflict to a halt and began a peace process to bring closure to that conflict.

Just as the conflict was indigenous, so too is the peace process. All credit should go to the people of Nepal and to the wise and statesmanlike efforts of Nepalese political parties and leaders for bringing about a peace process.

India has strongly supported the peace process in Nepal, the ownership of which is entirely indigenous. We have warmly welcomed every positive step taken by Nepalese stakeholders in a complex and sensitive process, without outside assistance or advice. Against all odds and despite cynicism, the Nepalese people not only maintained the cohesion of the Seven-Party Alliance, but also proceeded to implement their Comprehensive Peace Agreement.

Despite delays, Nepalese authorities conducted an extremely successful Constituent Assembly election in April, which was truly a historic moment. Despite facing complex challenges in its peace process, Nepal and its leaders have indigenously addressed each of those. As a close and friendly neighbour, India stands ready to assist in any manner that the leaders and people of Nepal may ask of us.

India has fully supported the United Nations efforts to assist Nepal, at the request of the host Government. We have been in close contact with UNMIN at all levels, including in New Delhi. Our support was never limited to words; we also provided material support at the crucial phase when UNMIN was being established.

Taking into account the current situation on the ground, we fully support Nepal's request, made formally on 8 July, to extend the mandate of UNMIN for a further six months. The letter makes it abundantly clear that some of the mandates relating to the Mission, as laid down in resolution 1740 (2007), have already been accomplished. The request for an extension of six months therefore pertains to the remainder of the original mandate — a clear statement with nothing implied and nothing to be interpreted or clarified. We also note that the request is made on the basis of a consensus between key Nepalese political parties, including the Communist Party of Nepal (Maoist), which has a plurality in the Constituent Assembly. That consensus is also reflected in the 25 June Seven-Party Agreement and is therefore fundamental to the continuation of political processes in Nepal.

From that standpoint, it is difficult to accept parts of the Secretary-General's latest report. Bearing in mind that it is at Nepal's request for assistance on specific aspects of its peace process that UNMIN exists, it seems inappropriate for the Secretary-General to advise the Council to extend the mandate for one month unless Nepal's request is clarified. In other words, unless Nepal's request is in line with what UNMIN wants it to say, the request is not good enough. That could imply that UNMIN would be asking the new Government — whose constituents expressed their views in the 8 July letter — to reinterpret the 25 June Agreement. In doing so, UNMIN could find itself in the unfortunate position of having its role become a matter of contention rather than being seen as a positive contributor to the peace process. It may also be seen to imply that the report is suggesting that political formations that are to form the Government are liable to change their minds. Not only does that run counter to the trend of Nepali political parties abiding by previous commitments, but it is also an extraordinary claim to make, even by implication.

I carefully listened to the excellent statement made by the Permanent Representative of Nepal and, as he made clear, several aspects of the original

mandate have been completed. The request is for something on a smaller scale. The clarification of the letter of 8 July essentially reiterates, in a sense, the earlier document, and it is significant that the peace process as a whole does not find mention in that clarification.

Furthermore, the report also suggests in paragraph 64 that UNMIN has "been made aware" of a broad consensus within Nepal that continuation of a United Nations political presence is important to the completion of the peace process. While we would welcome being made similarly aware, what should have weight is not a subjective impression — including through an oral exchange — that the United Nations may have gained, but what the people's elected representatives convey in writing.

To our knowledge, UNMIN's support has not been sought in taking decisions on issues related to the peace process. Indeed, the greatest strength of the peace process is that it has consistently been nationally-owned, directed and implemented. The Nepalese request for United Nations support was with regard to the implementation of aspects of Nepal's peace process — as speakers before me have noted — which required an internationally-accepted monitor. Those included advising the national Election Commission in the conduct of elections and monitoring the management of arms and the forces of the two contending armies. And yet, in paragraph 68, it is asserted that the "key requirement now is not the continuation of monitoring arrangements so much as the transition to a durable and permanent solution". While that may or may not be so, it certainly cannot be automatically assumed that the durability and permanence of arrangements to address the problem of two armed forces depends on the active involvement of the United Nations.

I am constrained to point out that we have noted a consistent effort to expand the definition of what Nepal seeks in terms of support to include a role in the Nepali peace process, irrespective of the desire of Nepalese interlocutors. To insist on playing a role that the host nation is reluctant to provide is to risk jeopardizing the work of UNMIN thus far. That should be avoided at all costs, as it could undermine the United Nations investment in Nepal — not the other way around.

In that context, the Council must also seriously consider whether to permit a liberal interpretation of the principle of the sanctity of a State's requests for specific assistance. We often hear the counter-argument that it is for the Council to decide on what action is appropriate in each case, but not when parallels are drawn between Nepal and other issues on the agenda of the Council. Let us not forget that Nepal approached the United Nations for assistance of its own free will, not because the situation in that country was a threat to international peace and security.

We therefore urge the Council to accept the Nepalese request, as contained in its letter of 8 July 2008, in letter and spirit. To put it directly, the continuation of UNMIN on a smaller scale to engage in the remainder of the mandate for a period of six months is what Nepal has sought. It is precisely what Nepal should get — no more, no less.

The President: I now give the floor to the representative of Japan.

Mr. Takasu (Japan): I wish to thank Mr. Ian Martin, Special Representative of the Secretary-General and head of the United Nations Mission in Nepal (UNMIN), for his dedicated work and his comprehensive briefing this morning.

I would like first to congratulate the people and Government of Nepal on their efforts in conducting the successful election for the Constituent Assembly in April. Credit for that success goes to the people themselves, but UNMIN and the international community also played a very helpful and indispensable role. Japan joined other partners in sending 24 electoral observers and two parliamentarians to support that historic election and to serve as witnesses to the new democratic governance process in Nepal.

At the first session of the Constituent Assembly, Nepal declared itself a federal democratic republic. We commend all the parties who respected the will of the people and carried out the transition in a peaceful manner. The parties are now engaged in consultations to formulate a new Government. That process of political dialogue among all parties reflects the sound state of the nation's new democracy.

We are also pleased to note that the political dialogue among the parties is proceeding peacefully. The people have proven their wisdom by demonstrating that political differences can be addressed through dialogue without resorting to

violence. We strongly urge all the Nepalese people to maintain that strong momentum towards democratic governance and to refrain from any type of violence.

We also highly appreciate the good offices efforts made by Special Representative Martin, who, working within his mandate, has spared no effort to move the political process forward during this process.

We understand that Nepal needs some more time to consider the future of the soldiers in cantonment, which is a cornerstone to consolidating durable peace. As this is a critical time in achieving lasting peace and stability in the country, Japan supports the extension of the mandate of UNMIN for six months, in line with the request of the Government of Nepal. The arms monitors, including those from Japan, have ably carried out their duties. I am convinced that arms monitoring will be effectively conducted under the extended mandate. At the same time, the United Nations cannot continue to monitor arms and soldiers indefinitely. We therefore strongly urge the parties to come to an agreement on the future status of their army as soon as possible, while the United Nations Mission continues to monitor the activities for a limited extended period.

As a peace-fostering nation, Japan is firmly committed to supporting Nepal's peacebuilding efforts to consolidate peace and democracy. Mr. Osamu Uno, Japan's Vice-Minister for Foreign Affairs, visited Nepal two days ago to convey Japan's commitment. As part of our support, in cooperation with UNICEF, we will address the issue of child soldiers and promote the development of socio-economic infrastructure and the reduction of poverty throughout the country.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.05 p.m.